

Law Offices of Albert Wai-Kit Chan, LLC

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**EXPEDITED PROCEDURE FOR AMENDMENT AFTER
FINAL REJECTION (37 CFR §1.116)****FACSIMILE TRANSMISSION**
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TO : EXAMINER REBECCA COOK
GROUP ART UNIT: 1614

COMPANY : COMMISSIONER FOR PATENTS AND
TRADEMARKS WASHINGTON, D.C. 20231

FAX NO. : (703) 872-9307

FROM : ALBERT WAI-KIT CHAN

DOCKET : N. ROSEN, ET AL., A METHOD OF TREATING
CANCER, U.S. Serial No. 09/445,054, FILED MARCH
27, 2000; OUR DKT. #696-US

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 5DATE : January 23, 2004

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Message

Applicants : N. Rosen et al.
Client : Memorial Sloan-Kettering (335) File No.: 696-US
Date : January 23, 2004

**PROPOSED AMENDMENT IN RESPONSE TO JULY 28, 2003 FINAL OFFICE
ACTION for N. ROSEN et al., for A METHOD FOR TREATING CANCER, U.S.
Serial No. 09/445,054, Filed March 27, 2000.**

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL UNDER THE CLIENT AND ATTORNEY RELATIONSHIP. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
Dkt. #696-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : N. Rosen et al.
U.S. Serial No.: 09/445,054 Examiner: R. Cook
Filed : March 27, 2000 Group Art Unit: 1614
For : A METHOD OF TREATING CANCER

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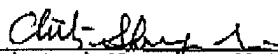
January 23, 2004

Assistant Commissioner for Patents
Washington, D.C. 20231

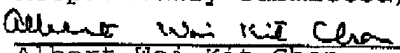
Sir:

FACSIMILE CERTIFICATE
IN CONNECTION WITH THE ABOVE-IDENTIFIED APPLICATION

I hereby certify that this paper is being sent on the date indicated above and is addressed to Attn: Examiner Jerome Goldberg, Assistant Commissioner for Patents, Washington, D.C. 20231


Printed Name: Chih-Sheng Lin

Respectfully submitted,


Albert Wai-Kit Chan
Reg. No. 36,479
Attorney for Applicants
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RESPONSE AFTER FINAL REJECTION
UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
Dkt. #696-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Whitestone, NY 11357

January 23, 2004

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

**COMMUNICATION IN RESPONSE TO JANUARY 22, 2004 TELEPHONE
CONVERSATION WITH THE EXAMINER, DECEMBER 29, 2003 PROPOSED
AMENDMENT IN RESPONSE TO JULY 28, 2003 FINAL OFFICE ACTION,
AND JULY 28, 2003 FINAL OFFICE ACTION**

This Communication is submitted in response to the telephone conversation with the Examiner on January 22, 2004 12:24 PM in connection with the above-identified application.

On July 28, 2003, a Final Office Action was issued by the United States Patent and Trademark Office (USPTO). A response to the July 28, 2003 Final Office Action was due October 28, 2003. Applicants submitted a Proposed Amendment in Response to the July 28, 2003 Final Office Action on Monday, December 29, 2003 and petitioned for two-month extension of time. In the alternative, Applicants requested Examiner or Commission treat December 29, 2003 Proposed Amendment as a Request for Continued Examination if the December 29, 2003 Proposed Amendment does not place the Application in condition for allowance.

Applicants : N. Rosen et al.
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Filing Date : March 27, 2000
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On Thursday, January 22, 2004, Examiner Rebecca Cook, to whom this Application has been re-assigned or transferred, informed the Applicants that Examiner Goldberg has recently retired and that this Application was transferred to her about two days ago.

Examiner Cook also informed the Applicants that the December 29, 2003 Proposed Amendment in Response to the July 28, 2003 Final Office Action will not be entered because the proposed new claims 63-69 would require a new search. A Telephone interview with the Examiner has been scheduled for 11 AM on Thursday, February 12, 2004 to discuss the whether the December 29, 2003 Proposed Amendment places this Application in condition for allowance.

Accordingly, Applicants hereby request the telephone interview be set at an earlier date, i.e. before January 28, 2004 or before six months after the issuance of the July 28, 2003 Final Office Action.

Applicants : N. Rosen et al.
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If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants undersigned Attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan
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